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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,031	05/25/1999	PAUL MARKO	XM-0022	9813

7590 07/02/2007  
BENMAN & COLLINS  
2049 CENTURY PARK EAST  
SUITE 2740  
LOS ANGELES, CA 90067

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/318,031	<b>Applicant(s)</b> MARKO ET AL.	
	<b>Examiner</b> Temica M. Beamer	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1,6,19 and 26 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 7-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 4-24 and 26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, U.S. Patent No. 5,940,750 in view of Chang et al (Chang), U.S. Patent No. 6,606,307 and further in view of Stansell, Jr., U.S. Patent No. 5,963,582.

Regarding claim 1, Wang discloses an interoperable receiver comprising first means for receiving signals in a first band, second means for downconverting said received signals in the first band, third means for receiving signals in a second band fourth means for downconverting signals in the second band and fifth means for selectively outputting signals from the first band of the second band (col. 7, lines 25-65).

Wang, however, fails to specifically disclose wherein the first and second bands include multiple carriers.

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In a similar field of endeavor, Chang discloses techniques for utilization of bandwidth space assets. Chang further discloses wherein a satellite receiver provides a spectral band which is divided in smaller subbands (i.e., divided into multiple carriers) (col. 5, line 38-col. 6, line 25).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Wang with the teachings of Chang for the purpose of increasing system capacity, thereby allowing more subscribers to simultaneously use the system.

The combination further fails to disclose simultaneous reception of received signals in the first and second band.

In a similar field of endeavor, Stansell, Jr. Discloses mitigation of multipath effects in GPS receivers.

Stansell, Jr. Further discloses simultaneous reception of received signals in a first and second band (col. 19, lines 27-33).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Wang and Chang with the teachings of Stansell, Jr. Since such simultaneous reception is widely used in radio communications systems as shown in Stansell, Jr. Such implementation into the system would require only routine skill.

Regarding claim 6, the combination of Wang, Chang and Stansell discloses the invention of claim 1 wherein the first and third means is an RF antenna (Wang, col. 4, lines 35-37)

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Regarding claim 26, Wang discloses first means for receiving first and second ensembles, each ensemble having signals which are modulated and second means for processing said first and second ensembles to output said signals simultaneously (col. 7, lines 25-65).

Wang, however, fails to specifically disclose wherein the first and second ensembles include multiple carriers.

In a similar field of endeavor, Chang discloses techniques for utilization of bandwidth space assets. Chang further discloses wherein a satellite receiver provides a spectral band which is divided in smaller subbands (i.e., divided into multiple carriers) (col. 5, line 38-col. 6, line 25).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Wang with the teachings of Chang for the purpose of increasing system capacity, thereby allowing more subscribers to simultaneously use the system.

The combination further fails to disclose simultaneous reception of received signals in the first and second band.

In a similar field of endeavor, Stansell, Jr. Discloses mitigation of multipath effects in GPS receivers.

Stansell, Jr. Further discloses simultaneous reception of received signals in a first and second band (col. 19, lines 27-33).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Wang and Chang with the teachings of Stansell, Jr. Since such simultaneous reception is widely used in radio communications systems

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as shown in Stansell, Jr. Such implementation into the system would require only routine skill.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Chang, Stansell, Jr. Campanella et al (Campanella), U.S. Patent No. 6,115,366.

Regarding claim 19, the combination of Wang, Chang and Stansell discloses the invention of Claim 1.

The combination, however, fails to disclose means for outputting an audio signal along with a data signal.

Campanella discloses means for outputting an audio signal along with a data signal (col. 1, lines 26-48).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Wang, Chang and Stansell with the teachings of Campanella for the purpose of having the capability to hear and see programming.

#### ***Allowable Subject Matter***

2. Claims 20-24 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 20, prior art fails to disclose or render obvious an interoperable receiver having means for receiving signals in XM and CD bands and downconverting the signals and selectively outputting signals from the XM or CD band.

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4. Claims 4, 5, 7-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer

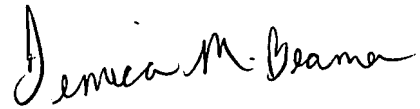
Application/Control Number: 09/318,031

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Primary Examiner  
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tmb

A handwritten signature in cursive script, reading "Temica M. Beamer".

**TEMICA BEAMER**  
**PRIMARY EXAMINER**